

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                               |   |                           |
|-------------------------------|---|---------------------------|
| ANTHONY S. TWITTY             | ) |                           |
|                               | ) |                           |
| Plaintiff,                    | ) |                           |
|                               | ) | Civil Action No. 3:20-142 |
| v.                            | ) |                           |
|                               | ) |                           |
| MARGRETT BARNS,               | ) |                           |
| CASEY THORNLEY,               | ) | District Judge Gibson     |
| DR. MUHAMMAD NAJI,            | ) |                           |
| TERRI SECHRENGOST, and        | ) | Magistrate Judge Lenihan  |
| DIRECTOR, CEO OR PRESIDENT OF | ) |                           |
| WELL PATH,                    | ) |                           |
|                               | ) | ECF Nos. 31, 35 & 55      |
| Defendants.                   | ) |                           |

**MEMORANDUM ORDER**

This civil action was commenced on July 22, 2020 when Plaintiff Anthony S. Twitty filed his first Motion for Leave to Proceed in Forma Pauperis. ECF No. 1. After repeated attempts to achieve in forma pauperis status, Plaintiff's motion was granted on September 19, 2020. The Complaint was docketed by the Clerk of Court on September 18, 2020. ECF No. 9. The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 55), filed on May 25, 2021, recommended that the Motion to Dismiss (ECF No. 31) filed by Defendant Director, CEO, or President of Well Path be granted without prejudice to Plaintiff filing an amended complaint by the deadline set by the District Judge. It is also recommended that the Motion to Dismiss (ECF No. 35) filed by Defendant CHCA Terri Sechrengost be denied.

The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections, and that unregistered ECF users were given an additional three (3) days pursuant to Federal Rule of Civil Procedure 6(d). Objections for registered users were due on June 8, 2021. Objections for unregistered ECF Users were due by June 11, 2021. ECF No. 55. No objections have been filed.

After review of the pleadings, documents in the case and the Report and Recommendation, the following Order is entered:

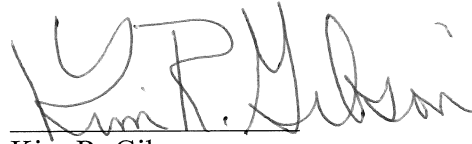
**AND NOW**, this 14<sup>th</sup> day of June 2021,

**IT IS HEREBY ORDERED** that the Motion to Dismiss (ECF No. 31) filed by Defendant Director, CEO, or President of Well Path is **GRANTED WITHOUT PREJUDICE** to Plaintiff filing an amended complaint by July 6, 2021.

**IT IS FURTHER ORDERED** that the Motion to Dismiss (ECF No. 35) filed by Defendant CHCA Terri Sechrengost **IS DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 55) of Magistrate Judge Lenihan dated May 25, 2021 is adopted as the Opinion of the Court.

**BY THE COURT**

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with some capitalization.

Kim R. Gibson  
UNITED STATES DISTRICT JUDGE

Anthony S. Twitty  
FM-4476  
SCI Houtzdale  
P.O. Box 1000  
Houtzdale, PA 16698-1000